

Message Text

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PAGE 01 BONN 11744 01 OF 02 121730Z

45

ACTION EUR-12

INFO OCT-01 EA-07 IO-13 ISO-00 DEAE-00 CIAE-00 INR-07

JUSE-00 NSAE-00 SNM-02 TRSE-00 USIA-06 NSC-05 OES-06

OMB-01 L-03 HEW-04 EURE-00 /067 W

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P R 121721Z JUL 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 0355

INFO AMEMBASSY OTTAWA

AMEMBASSY ROME

AMEMBASSY TOKYO

AMEMBASSY THE HAGUE

AMEMBASSY BERN

AMEMBASSY LONDON

USMISSION GENEVA

LIMITED OFFICIAL USE SECTION 01 OF 02 BONN 11744

E.O. 11652: N/A

TAGS: SNAR

SUBJ: CONVENTION ON PSYCHOTROPIC SUBSTANCES

REF: STATE 138695

SUMMARY: FRG ANTICIPATES FINAL LEGISLATIVE APPROVAL OF SUBJECT CONVENTION JULY 16, 1976, AND HOPES TO DEPOSIT RATIFICATION INSTRUMENT AUGUST OR SEPTEMBER 1976 NOTING TWO EXCEPTIONS. END SUMMARY.

1. SUBJECT CONVENTION HAS RECENTLY BEEN BEFORE APPROPRIATE COMMITTEES IN BUNDESRAT AND BUNDESTAG WHERE IT WAS ACTED UPON FAVORABLY, AND HAS RECEIVED THE APPROVAL OF THE BUNDESTAG. ON JULY 16, 1976, THE CONVENTION WILL GO BEFORE A PLENARY SESSION OF THE BUNDESRAT WHERE IT IS EXPECTED TO BE APPROVED SUBJECT TO TWO RESERVATIONS NOTED BELOW. THE ANTICIPATED
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PAGE 02 BONN 11744 01 OF 02 121730Z

APPROVAL BY THE BUNDESRAT ON JULY 16 IS THE LAST STEP

REQUIRED PRIOR TO DEPOSITING THE INSTRUMENT OF RATIFICATION WITH THE UN, AN OCCURRENCE WHICH RESPONSIBLE FRG OFFICIALS HOPE WILL TAKE PLACE IN AUGUST OR SEPTEMBER 1976.

2. RESERVATIONS.

IN DEPOSITING THE INSTRUMENT OF RATIFICATION WITH THE SECRETARY GENERAL OF THE UN, FRG INTENDS TO STATE, IN CONFORMITY WITH ART. 32, PARA. 3, THEIR DESIRE TO OBTAIN AUTHORITY FOR THE FOLLOWING RESERVATIONS:

(1) RE ARTICLE 11 PAR. 2 (ONLY INASMUCH AS ANNEX III IS CONCERNED)

IN THE FEDERAL REPUBLIC OF GERMANY POSITIONS IN THE INVOICES OF PRODUCERS, WHOLESALE- DEALERS, IMPORTERS AND EXPORTERS WILL BE SPECIALLY MARKED INSTEAD OF DRAWING UP THE LISTS MENTIONED CONCERNING THE SUBSTANCES AND PREPARATIONS THEREFROM INASMUCH AS THEY CONCERN ANNEX III. INVOICES AND DELIVERY DOCUMENTS WILL BE FILED AND RETAINED FOR AT LEAST FIVE (5) YEARS.

(2) RE ARTICLE 11 PAR. 4

IN THE FEDERAL REPUBLIC OF GERMANY THOSE PERSONS AND INSTITUTIONS MENTIONED IN THIS PROVISION WILL RETAIN THE INVOICES WHICH THEY RECEIVED FROM PERSONS LISTED IN ARTICLE 11 PAR. 4 AND WHICH CONTAIN POSITIONS WITH SUBSTANCES AND PREPARATIONS THEREFROM PURSUANT TO ANNEX III FOR AT LEAST FIVE (5) YEARS SEPARATELY AND WILL AT LEAST ONCE EVERY YEAR DETERMINE THEIR STOCKS IN SUBSTANCES AND PREPARATIONS THEREFROM PURSUANT TO ANNEX III.

JUSTIFICATION OF RESERVATIONS

RE (1)

IN THE FEDERAL REPUBLIC OF GERMANY SOME 50 PREPA-

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PAGE 01 BONN 11744 02 OF 02 121731Z

45

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RATIONS FROM SUBSTANCES PURSUANT TO ANNEX III ARE PREPARED AND DISTRIBUTED. CONSIDERING THE DIFFERENT PACKAGE SIZES AND FORMS OF APPLICATION, THERE ARE SOME 150 DIFFERENT READY-TO-DISTRIBUTE SPECIES OF PACKAGES. DUE TO THE GREAT VARIETY OF PACKAGES AND THE MANY PHARMACIES (SOME 14,000) AND FULLY STOCKED PHARMACEUTICAL WHOLESALE FIRMS (SOME 160), THE COMPILATION OF DETAILED LISTINGS, AS PRESCRIBED BY THE AGREEMENT, BY PRODUCERS (WHO, FOR EXAMPLE, HAND DRUGS ALSO DIRECTLY TO THE PHARMACEUTICAL DIVISION OF HOSPITALS), WHOLESALE DEALERS, IMPORTERS AND EXPORTERS WOULD AMOUNT TO AN UNAPPROPRIATE AND INTOLERABLE CHANGE IN PROCEDURE, BURDEN, AND COMPLICATION IN THE PRODUCTION AND WORK PROCESSES WHICH COULD ONLY BE OVERCOME BY UNJUSTIFIABLE PERSONNEL AND FINANCIAL COSTS.

RE (2)

THE TEXT OF THE PROVISION OF THE AGREEMENT STIPU-
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PAGE 02 BONN 11744 02 OF 02 121731Z

LATES A CONTINUING AVAILABILITY OF THE REQUIRED DATA. BUT CURRENT RECORDS ON ACQUISITION AND SALE OF PREPARATIONS FROM SUBSTANCES LISTED IN ANNEX III CANNOT REASONABLY BE EXPECTED OF PHARMACIES, HOSPITALS AND SCIENTIFIC INSTITUTIONS DUE TO THE GREAT VARIETY OF PACKAGES AND THE GREAT NUMBER OF CUSTOMERS OF THE PHARMACIES, JUST AS DETAILED LISTS AS PROVIDED BY ARTICLE 11, PAR. 2 CANNOT REASONABLY BE EXPECTED OF THE AFOREMENTIONED FIRMS.
HILLENBRAND

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